

EXHIBIT D



Via Electronic Mail (to: info@TPPOpioidSettlement.com)

and First Class Mail, Return Receipt Requested

In re National Prescription Opiate Litigation

P.O. Box 173026

Milwaukee, WI 53217

**Re: In re: National Prescription Opiate Litigation, Case No. 1:17-md-2804-DAP
TPP Class Action Settlement: Opt Outs**

To whom it may concern:

I am writing to provide you with additional copies of the Opt Out Forms submitted to you yesterday via electronic mail, respecting the decision by our clients to opt out of the TPP Class Action Settlement in MDL 2804. For your convenience, I have included an Index of the 65 separate Opt Outs included in this packet. Although the mailing has been sent return receipt requested by the postal service, because the only means of submitting these Opt Out via paper is via delivery to the above post office box which, as you know, does not enable a sender to utilize any faster, secure overnight delivery service. Accordingly, we ask you to acknowledge receipt of this letter, and to further acknowledge receipt of the mail packet at your P.O. Box once received.

We acknowledge that this correspondence is submitted after the opt out deadline of November 11, 2024. Notwithstanding that issue, which will be otherwise be addressed with the MDL Court in due time, we still require you to provide the above acknowledgements of receipt to avoid any further issue of delivery to the TPP Settlement Claims Administrator.

For your information, it was only first brought to our attention yesterday that our prior email transmittals contained an error in the email addresses. You saw the same via my partner's re-delivery to you yesterday of each of the prior emails. While Interim Class Settlement Counsel were fully aware of the email error and acknowledged the same with the Court (see ECF No. 5775)¹, they failed to raise the issue with undersigned counsel until yesterday. Unfortunately, Interim Settlement Class Counsel appear poised to oppose the requests by my clients to have their

¹ In a Notice of Filing of Supplemental Opt-Out Report dated November 19, 2024, Interim Settlement Class Counsel reported that “[t]his report includes an additional entity that, on November 4, 2024, submitted its opt-out request to incorrect email addresses (info@TPPOpiodsettlement.com and OptOut@TPPOpiodSettlement.com) rather than the correct email addresses (info@TPPOpioidsettlement.com and OptOut@TPPOpioidSettlement.com). The parties have agreed to deem this a timely and complete opt out despite the typographical error.” That lone Opt Out (by Plumbers Local 690) was sent to the same incorrect email address as all the other, dozens of Opt Outs my firm submitted on or around November 4, 2024.

HAVILAND HUGHES

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opt out decisions honored, despite the apparent excusable neglect of the inadvertent error, requiring us to take extraordinary measure to protect their rights.

By carbon-copy of this letter, we are alerting all interested parties, through counsel, of this situation. Because we timely alerted Judge Dozor in the Court of Common Pleas of Delaware County (the court charged with managing all the Pennsylvania Coordinated Cases) of the opt out decisions of dozens of our clients on November 12, 2024, we have copied His Honor to provide him a further update. Finally, no one in my firm is admitted *pro hac vice* to the bar of the Northern District of Ohio, we ask that Liaison Counsel, Mr. Weinberger, submit a copy of this letter to Judge Polster via appropriate means to alert him as to the situation, and the forthcoming Motion for Leave we intend to file, without the consent of the settling parties.

Respectfully submitted,

/s/ Donald E. Haviland, Jr.

Donald E. Haviland, Jr.

Counsel for Opt Outs on attached Index

cc (w/ encl.):

Hon. Barry C. Dozor (via email, PadleyA@co.delaware.pa.us)
Peter H. Weinberger, Esq., Plaintiffs' Liaison Counsel (via email pweinberger@spanglaw.com)
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Christian J. Pistilli, Esq., Counsel for McKesson (via email, cpistilli@cov.com)

TAB List of TPP Settlement Class Opt Outs

- A** AFSCME Care Plan of Ohio
- B** AFSCME H&W Fund 54
- C** AFSCME H&W Fund 590
- D** Asbestos Workers Philadelphia
- E** Avon Grove School District
- F** Big Spring School District
- G** Borough of Dunmore
- H** Chester County Intermediate Unit (CCIU)
- I** Cement Masons Local 592
- J** Cement Masons Local 526 (OPCMIA 526 Combined Funds)
- K** Chester Water Authority
- L** Coatesville School District
- M** Downingtown School District
- N** Graphic Communications
- O** Great Valley School District
- P** IAFF Local 22 (Phila Firefighters & Paramedics)
- Q** IAM District 15 Health Fund
- R** IBEW Local 81
- S** IBEW Local 126
- T** IBEW Local 607
- U** IBEW Local 654
- V** IBEW NECA Local Union 313
- W** IUPAT District Council 21
- X** Kennett Consolidated School District
- Y** Laborers DC Building & Construction H&W
- Z** Laborers DC Heavy & Highway H&W
- AA** Laborers District Council of Ohio
- BB** Law Enforcement Health Benefits
- CC** Local 274 H& W Fund (Unite Here)
- DD** Lower Moreland School District
- EE** Octorara School District
- FF** Operating Engineers Local 66
- GG** Operating Engineers Union Local 542
- HH** Owen J. Roberts School District
- II** Phoenixville School District
- JJ** Plumbers & Pipefitters Local 74
- KK** Plumbers Local 690
- LL** Quakertown School District
- MM** School Cafeteria Workers Local 634
- NN** SEIU 668 PSSU
- OO** SEIU Local 32BJ-District 36 BOLR Welfare Fund
- PP** Spring Ford School District
- QQ** Steamfitters Local 420

RR Teamsters Local 641
SS Teamsters Local 830
TT Teamsters Health & Welfare Fund of Phila. & Vicinity
UU Teamsters Health Fund Local 917
VV Teamsters Industrial Employees
WW Teamsters Joint Council 53 H&W Fund
XX Toledo Electrical
YY Tredyffrin-Easttown School District
ZZ Trucking Employees of North Jersey
AAA UAW Local 259 Social Security Department
BBB UAW Local 259n (365 Fund)
CCC UFCW Union Employer Health & Welfare Fund
DDD UFCW Health & Welfare Fund
EEE UFCW Local 152 H&W Fund
FFF UFCW Local 360 Health Fund
GGG UFCW Tri-State H&W Fund
HHH United Independent Union Welfare Fund
III Upper Darby School District
JJJ Upper Dublin School District
KKK USW Local 10-00086 Merck EES H&W Fund
LLL West Chester School District
MMM West Va. Pipe Health & Welfare Local 83 & 565